

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
CIVIL CASE NO. 1:14-cv-00131-MR**

**STEVEN B. SHELTON,** )  
 )  
 **Plaintiff,** )  
 )  
 **vs.** )  
 )  
 **CAROLYN W. COLVIN, Acting** )  
 **Commission of Social Security** )  
 **Administration,** )  
 )  
 **Defendant.** )  
 \_\_\_\_\_ )

**ORDER**

**THIS MATTER** is before the Court on the Plaintiff's Response to Order to Show Cause [Doc. 5].

On September 30, 2014, the Court entered an Order directing the Plaintiff to show cause for his failure to effect service of the Summons and Complaint on the Defendant. [Doc. 3]. On October 1, 2014, the Plaintiff filed an Affidavit of Service [Doc. 4], along with a Response to the Show Cause Order [Doc. 5], in which counsel states that "service of process has been accomplished in this civil action . . . ." [Doc. 5 at 2].<sup>1</sup>

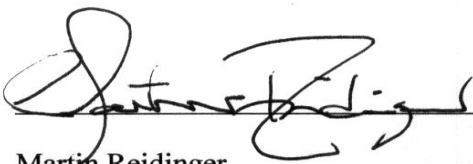
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<sup>1</sup> Plaintiff's counsel states that service of process was initiated on September 18, 2014. Counsel offers no explanation as to why service of process was not attempted until the action had been pending for more than 110 days.

The Affidavit of Service submitted by the Plaintiff shows that certified mail return receipt cards were returned by the United States Attorney's Office and the United States Attorney General; however, no such receipt has yet been returned by the Social Security Administration. [See Doc. 4]. Accordingly, the Plaintiff has failed to show that service of process has been accomplished with respect to all necessary parties. See Fed. R. Civ. P. 4(i)(2) (requiring service on United States agency in addition to service on United States).

**IT IS, THEREFORE, ORDERED** that the Plaintiff shall present the Court with proof of service of process on the Social Security Administration within thirty (30) days of service of this Order. The Plaintiff is advised that failure to provide such proof of service will result in the dismissal of this action.

**IT IS SO ORDERED.**

  
Martin Reidinger  
United States District Judge

